

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rhonda Garner d/b/a Décor Specialties, on behalf
of herself and all others similarly situated,

Plaintiffs,

- against -

MBF Leasing, LLC, Lina Kravic, Brian Fitzgerald,
Sam Buono, and William Healy,

Defendants.

07 CV 5607 (WCC) (MDF)

ECF CASE

STIPULATION & ORDER

WHEREAS, by complaint dated June 12, 2007 (the "Complaint"), plaintiff commenced the above-captioned action;

WHEREAS, defendants MBF Leasing, LLC, Lina Kravic, Brian Fitzgerald, Sam Buono and William Healy, moved to dismiss the Complaint herein, pursuant to Fed. R. Civ. P. 12(b), on grounds, *inter alia*, of failure to state a claim on which relief may be granted, and lack of jurisdiction over the persons of William Healy and Brian Fitzgerald; and such motions are noticed to be heard on November 27, 2007; and

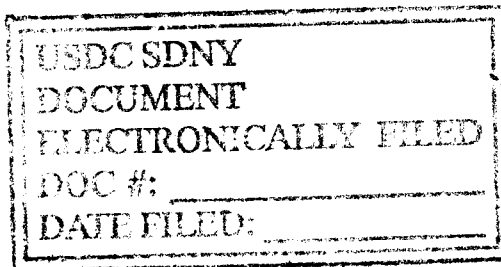
WHEREAS, plaintiff's papers in opposition to the pending motions are due to be served on November 5, 2007; and

WHEREAS, plaintiff has decided that, in lieu of opposing the motions to dismiss, plaintiff will be serving an amended complaint (the "Amended Complaint").

NOW, IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED, by and between the undersigned, counsel for all parties hereto, as follows:

1. Plaintiff shall serve her Amended Complaint on or before November 15, 2007;
2. Upon service of plaintiff's amended complaint as aforesaid, defendants' motions shall be deemed withdrawn without prejudice;

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COPIES MAILED TO COUNSEL OF RECORD +
MAILED TO AS MBF, KRAVIC, FITZGERALD + BUONO COUNSEL

3. The time for defendants to answer, move, and/or otherwise respond with respect to the Amended Complaint shall be deemed extended to and including December 15, 2007.

4. This Stipulation may be executed in counterparts. Facsimile or PDF signatures (if utilized below) shall be binding as original signatures.

Dated: November __, 2007
New York, New York

CHITTUR & ASSOCIATES, P.C.

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MBF Leasing, LLC, Lina Kravic, Brian
Fitzgerald, and Sam Buono

HARRISON & HELD

By: John M. Heaphy, Esq. (JH-)
Admitted Pro Hac Vice

333 West Wacker, Suite 1700
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Tel. 312-753-6160

Attorneys for Defendant
William Healy

SO ORDERED this ____ day of
November, 2007

U.S.D.J.

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Dated: November __, 2007
New York, New York

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*Attorneys for Defendant
William Healy*

✓ SO ORDERED this 6th day of
November, 2007

St. William C. Conner
U.S.D.J.